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Approved For Release 2003/03/06 : CIA-RDP86-00404R000100070003-4

SUBJECT: (Optional) Revised Title IV, Proposed CIA Charter

FROM: [REDACTED]
Assistant for Information, DDA
7D-02, Hqs.

EXTENSION

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director of Communications

2. Director of Data Processing

3. Director of Finance

4. Director of Logistics

OGC Has Reviewed

5. Director of Medical Services

6. Director of Personnel

7. Director of Security

8. Director of Training

9. Chief, Information Systems Analysis Staff

10.

Attached is the revised charter Registration Title IV (CIA Charter) which OGC sent to us for comment. Please review and if you have concerns send them to us for inclusion in the Directorate response by COB 29 January.

Att: a/s

AAI/DDA [REDACTED] (13 Jan 79)

Distribution:

Orig PRS - Each addressee w/att

1 - AI Subject (S. 2525-Title IV)

1 - AI Chron

Att: Multiple adse memo from [REDACTED]
dtd 16 Jan 79, same subject (OGC 79-00480)

15.

STAT

Approved For Release 2003/03/06 : CIA-RDP86-00101R000100070003-4

Approved For Release 2003/03/06 : CIA-RDP86-00101R000100070003-4

OGC 79-00480

16 January 1979

MEMORANDUM FOR : C/PCS/PGL/DDO
AI/DDA
Associate Director/NFAC
SA/DDS&T
Comptroller
Inspector General
Assistant for Public Affairs
Office of Legislative Counsel
C/GLD/OGC
C/O&M/OGC
C/FOI&PLD/OGC
C/L&PLD/OGC

STAT FROM :
Assistant General Counsel

SUBJECT : Revised Title IV, Proposed CIA Charter

Attached is a copy of the most recent version of Title IV, the proposed CIA charter which was introduced in the Congress as part of S.2525 a year ago. Indicated in the draft are deletions, additions, and modifications which have been accepted by the staff of the Senate Select Committee on Intelligence from among the host of comments submitted by the Agency or which have been made, in some cases, on the staff's own initiative. Some form of this bill may be reintroduced as early as February and, while I realize we have traveled this road before, your comments and those of other appropriate officials in your components would be appreciated on or before 31 January.

STAT

Att

STAT cc: OSO/



Q6758
January 10, 1979

SEC 79-00343
1-11-79

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

~~SHORT-TITLE, PURPOSES,--DEFINITIONS~~

SHORT TITLE

~~Sec. 401. -- This title may be cited as the "Central
Intelligence Agency Act of 1978".~~

STATEMENT OF PURPOSES

Sec. 402 401. It is the purpose of this Act --

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the ~~foreign-intelligence, counterintelligence, and counterterrorism~~ activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the ~~foreign-intelligence, counterintelligence, and counterterrorism~~ activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States. ~~and so as not to abridge any right protected by the Constitution or laws of the United States.~~

*unnecessary
to other
Ex. Branch
Agencies
have this
in their
Charters?*

DEFINITIONS

~~Sec. 403. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title.~~

~~(b) As used in this title, the term "proprietary" means a sole proprietorship, partnership, corporation, or other business entity owned or controlled by the Central Intelligence Agency but whose relationship with the Central Intelligence Agency is not publicly known.~~

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR;
FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 411. There is established in the executive branch of the Government an agency to be known as the Central Intelligence Agency (hereinafter in this title referred to as the "Agency"). The Agency which shall be perform its functions under the direction and control of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

DIRECTOR; DUTIES OF DIRECTOR

Sec. 412. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director of the Agency") who shall be appointed by the President, with the advice and consent of the Senate. The Director of National Intelligence, or, if authorized by the President in accordance with section 117 of this Act, the Deputy Director of National Intelligence or an Assistant Director of National Intelligence, shall act as the Director of the Agency. ~~In the event that the Director and the Director of National Intelligence are not one and the same person, the Director shall be subject to the supervision of, and responsive to intelligence plans, objectives, and requirements established by, the Director of National Intelligence.~~

(b) There shall be a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, with the advice and consent of the Senate, and who shall assist in carrying out the functions of the Director of the Agency.

(c) At no time shall the offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the Armed Forces, whether in an active or retired status.

(d) (1) If a commissioned officer of the Armed Forces is appointed as Director or Deputy Director, then--

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director or Deputy Director) with respect to the Department of Defense, the military

departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

*Can be
done both* (2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

(e) It shall be the duty of the Director of the Agency to

(1) ensure that the functions of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States, ~~and that the performance of those functions does not abridge any right protected by the Constitution or laws of the United States;~~

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

(3) perform with respect to the Agency the duties assigned elsewhere in this Act to the head of each entity of the Intelligence Community; and

(4) specify by regulation which officials of the Agency shall act as Director of the Agency or Deputy Director of the Agency during any temporary absence, disability, or vacancy in those offices.

FUNCTIONS

Redundant
 Sec. 413. (a) All activities, duties, and responsibilities of the Agency ~~shall be related to the intelligence functions set out in this section, and~~ shall be performed in accordance with this Act ~~and~~ other applicable statutes.

(b) (1) The Agency shall ~~not~~

~~(1)~~ collect foreign intelligence from publicly available sources, and from any person willing voluntarily to provide such intelligence, and, when necessary, from non-public sources or by clandestine means. Clandestine collection of foreign intelligence within the United States shall only be directed against foreign persons, powers, and organizations and shall only be conducted in coordination with the Federal Bureau of Investigation in accordance with section 506 of this Act and shall be limited to activities for which the Agency has special access to necessary sources of information or operational assistance.

~~(2) when the information sought is not available publicly or from a person willing voluntarily to provide the information, collect foreign intelligence by clandestine means abroad and, when integrally and exclusively related to Agency activities outside the United States, from foreign persons within the United States, and~~

~~(3)~~ (2) The Agency shall develop and provide support for technical and other programs ^{whose} which collect national intelligence from sources outside the United States, including signals intelligence activities.

~~(4)~~ (3) The Agency shall produce, analyze, publish, and disseminate foreign intelligence necessary to meet the needs of the President, the National Security Council, ~~the Congress~~, and other departments and agencies, and ~~shall~~ provide such support as the Director of National Intelligence requires for the production of national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community-coordinated-analyses.

(d) (c) The Agency shall conduct special activities in support of national foreign policy objectives.

(e) (d) The Agency shall--

(1) conduct counterintelligence and counterterrorism intelligence activities outside the United States;

~~(2) --conduct such counterintelligence and counterterrorism activities within~~ Within the United States such activities undertaken by clandestine means or to collect information from non-public sources shall only be conducted in coordination with the Federal Bureau of Investigation and shall be limited to activities for which the Agency has unique access to necessary sources of information or operational assistance. as are integrally related to counterintelligence or counterterrorism activities of the Agency outside the United States; and

~~(3) (2)~~ produce and disseminate counterintelligence and counterterrorism intelligence studies and reports.

~~(4) (e)~~ The Agency shall act as the agent of the Director of National Intelligence ~~as agent~~ in the coordination of ~~all~~ counterintelligence and activities, counterterrorism intelligence activities, and ~~of all~~ clandestine collection of foreign intelligence, ~~including collection utilizing human sources,~~ conducted outside the United States by any other entity of the Intelligence Community.

~~(5) (f)~~ The Agency shall also --

(1) conduct or contract for research, development, and procurement of technical systems and devices relating to the Agency's authorized functions;

(2) conduct services of common concern for the Intelligence Community as directed by the Director of National Intelligence;

(3) conduct liaison with foreign governmental agencies ~~in coordination with~~ as directed by the Director of National Intelligence and act as the agent of the Director of National Intelligence in fulfilling his responsibilities

for the coordination of such liaison by any other entity of the intelligence community;

(4) collect publicly-available information, other than foreign intelligence, counterintelligence, or counterterrorism intelligence, that is which-is necessary and relevant to any authorized Agency function but-which-does-not-constitute-foreign-intelligence,-counterintelligence,-or-counterterrorism-intelligence; and

(5) provide legal, legislative, security, communications, and audit services and other administrative support, as necessary, to the Office of the Director of National Intelligence.

~~(h) (g) (1)--All-Agency-activities-within-the-United States-involving-the-collection-of-intelligence-and-all-Agency counterintelligence-and-counterterrorism-activities-within-the United-States-shall-be-conducted-in-coordination-with-the-Federal Bureau-of-Investigation-and-in-accordance-with-procedures-agreed upon-by-the-Attorney-General-and-the-Director-of-National Intelligence.~~

(2) The Director of National Intelligence and the Attorney General shall conduct a review, at least annually, of all Agency activities conducted by clandestine means within the United States for the purpose of ~~ensuring-that-such-activities-do not-violate-any-right-protected-by-the-Constitution-or-laws-of the-United-States;~~ determining the necessity for continuing such activities; and making such recommendations in this regard as they deem appropriate to the President; and the National Security Council; and-the-Permanent-Select-Committee-on-Intelligence of-the-House-of-Representatives-and-the-Select-Committee-on-Intelligence-of-the-Senate-

(NOTE: This provision may be altered and/or moved to title I or II.)

PART C

GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY;
AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL
AND INSPECTOR GENERAL

GENERAL AUTHORITIES OF THE AGENCY

Sec. 421. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies for the sole purpose of carrying out functions authorized by this title, such sums of money as may be approved by the Director of ~~National-Intelligence~~ the Agency and the Director of the Office of Management and Budget, and sums so transferred to the Agency may be expended by the Agency without regard to any limitation on appropriations from which transferred ~~but only when the Director certifies in writing that such limitation would unduly impede the performance of a function authorized by this title and transmits such written certification to the appropriate committees of the Congress;~~

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies for the services of personnel assigned ~~or loaned~~ or detailed to the Agency;

(4) ~~reimburse~~ furnish to, or receive from, other departments and agencies as appropriate, reimbursement for expenses incurred when Agency personnel are assigned or detailed to such departments and agencies ~~for cover purposes at the Agency's request;~~

(5) rent any premises within or outside the United States necessary to carry out any function of the Agency authorized under this title; lease buildings without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40

U.S.C. 278a); ~~acquire, construct, or alter buildings and facilities without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615), and repair, operate, and maintain buildings, utilities, facilities and appurtenances;~~

includes full-scale?

(6) maintain and operate, without regard to any other provision of law, a full-scale printing plant for the production of intelligence and intelligence-related materials;

(7) conduct background investigations of applicants for employment with the Agency and their spouses, employees of the Agency, contractors of the Agency and their employees, cooperating sources of information or assistance, and consultants of the Agency, and persons similarly associated with the office of the Director of National Intelligence;

(8) establish, maintain, and operate secure communications systems in support of Agency operations and, as a service of common concern, establish, maintain, and operate such secure communications systems as may be required for the use of in support of the Office of the Director of National Intelligence, and when authorized by the Director of the Agency, in support of any other departments and or agencies agency;

(9) perform inspection, audit, public affairs, legal, and legislative services ; and other administrative functions;

(10) establish, furnish, and maintain, in coordination with the Director of National Intelligence, secure cover for Agency officers, employees, and agents Pursuant to agreement, including any agreement regarding reimbursement, with any department, agency, or independent establishment of the Government, provide such services, supplies, or equipment to such department, agency, or establishment that the Agency may be in a position to render, supply, or obtain by contract, and place orders for

such services, supplies, or equipment that any department, agency or independent establishment may be in a position to render, supply, or obtain by contract;

~~(10)-establish-and-operate-proprietaries-to-support-Agency-operations;~~

(11) protect from unauthorized disclosure, in accordance with standards established by the Director of National Intelligence under section 114 ~~and-with-any-other applicable-laws-and-Executive-orders;-materials-and information-related-to~~ intelligence sources and methods;

(12) protect the security of Agency personnel, installations, equipment, and classified information, and establish lawful security procedures at any Agency installation including inspection of persons and items entering or leaving Agency grounds;

~~(12)~~ (13) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community;

~~(13)~~ (14) conduct health-service programs as authorized by section 7901 of title 5, United States Code;

~~(14)~~ (15) transport, in accordance with regulations approved by the Director of the Agency, officers and employees of the Agency and the Office of the Director of National Intelligence in Government-owned automotive equipment between their domiciles and places of employment where such ~~personnel-are-engaged-in-work-which-makes-such~~ transportation is necessary; and transport in such equipment; to and from school, children of Agency personnel who have quarters for themselves at isolated stations outside the United States where adequate public transportation is not available;

~~(15)~~ (16) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, (31 U.S.C. 240-243);

~~(16)~~ (17) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations and professional associations when such attendance or membership would be a benefit in the conduct of the work of the Agency; and

~~(17)~~ (18) train-Agency-personnel provide training necessary to support authorized Agency functions, and, as appropriate, provide training for personnel of other departments and agencies.

(b) Notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628) or any provision of law enacted after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money ~~approved~~ authorized, in accordance with subsection (a)(1) of this section, ~~by the Director of National Intelligence and the Director of the Office of Management and Budget for use in carrying out any function authorized by this title.~~

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign ~~or loan~~ or detail to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any authorized function of the Agency authorized by this title, and the Agency may similarly assign or detail personnel to any other department or agency. In any case in which any officer or employee ~~of another department or agency~~ is assigned or ~~loaned~~ detailed to the Agency in a manner that would be prohibited except for this subsection, the Agency shall report the details of such assignment or ~~loan~~ detail to the ~~appropriate~~ Appropriations and Intelligence committees of the Congress.

~~(d) --- (1) --- Any proprietary established and operated by the Agency may be operated on a commercial basis to the extent necessary to provide effective cover. --- Any funds generated by any~~

~~such proprietary in excess of the amount necessary for its normal operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.~~

~~(2) --- Whenever any Agency proprietary whose net value exceeds \$50,000, is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition of the proprietary as practicable and subject to such security standards as the Director and Attorney General shall agree upon, report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and the Comptroller General of the United States. --- Any proceeds from any liquidation, sale, or other disposition of any Agency proprietary, in whatever amount, after all obligations of the proprietary have been met, shall be deposited by the Director into miscellaneous receipts of the Treasury.~~

(e) (d) The authority contained in clauses (9) and (10) of subsection (a) The Agency is authorized to establish, furnish, and maintain secure cover for Agency officers, employees, sources, and activities, for personnel of the Office of the Director of National Intelligence, and for defectors from foreign countries. This authority shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites the specific provision of subsection (a) intended to be so modified, limited, suspended, or superseded.

~~(f) (e)~~ The Agency may continue to use and may modify with the approval of the President the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

~~(g) (f)~~ Subject Except pursuant to the provisions of section 152(a) of this Act, no provision of law shall be construed to require the Director of the Agency or any other officer or employee of the United States to disclose the

organization, function, name, official title, salary, or affiliation with the Central Intelligence Agency of any person employed by the Agency, ~~or~~ the number of persons employed by the Agency, or any aspect of the Agency budget, unless such provision specifically requires such disclosure and expressly cites this subsection.

~~(h)~~ (a) The Director of the Agency may appoint and , assign, or contract for security officers to police the and protect the security of Agency personnel, installations and grounds owned or utilized by the Agency and the Office of the Director of National Intelligence, where such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director of the Agency may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

~~(i)~~ (h) ~~The Director may authorize employees of the Agency to carry firearms within the United States for courier protection purposes, for the protection of the Director of National Intelligence, the Deputy Director of National Intelligence, and any Assistant Director of National Intelligence, and, in exigent circumstances, such officials of the Agency as the Director may designate, and for the protection of any defector from any foreign country or any foreign person visiting the United States under Agency auspices.~~ Under such regulations as the Director of the Agency shall prescribe, Agency personnel may carry and use firearms while in the discharge of their official duties: Provided, That within the United States, such official duties shall include only the protection of (1) information concerning intelligence sources and methods and classified intelligence documents and material; (2) facilities, properties, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) the Director

of National Intelligence, the Deputy Director of National Intelligence, any Assistant Director of National Intelligence, and other personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training.

~~(*)~~ (i) (1) The Agency may appoint, promote, demote, reassign, suspend, and separate such personnel or contract for such personal services as it deems advisable, without regard to the provisions of ~~title 5, United States Code, governing appointments to, promotions in, and separations from the competitive services, and without regard to the~~ any other law, including but not limited to provisions of law that establish limitations on types of persons to be employed, and may fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of ~~that~~ title 5, United States Code, but the compensation of such personnel shall not exceed the rates relating to classification and General Schedule pay rates, but at rates not in excess of the rate authorized for ~~Executive Schedule~~ Level IV of the Executive Pay Schedule by section 5316 of that title;

(2) Notwithstanding any other provision of law, the Director of the Agency may terminate the employment of any officer or employee of the Central Intelligence Agency or the security clearance of any contractor of the Agency or any employee of any such contractor whenever the Director of the Agency considers such termination necessary or advisable in the interests of the national security of the United States. ~~The Director shall periodically report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the exercise of the Director's authority under this paragraph.~~

(3) Executive schedule positions within the Agency in addition to those of Director, General Counsel, and Inspector General and any positions in the grades of GS-16, GS-17, and GS-18, other than ~~these~~ Executive schedule positions transferred to the Agency under this Act shall be as authorized by law.

(4) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the United States Civil Service Commission; and that commission ~~may place~~ shall consider such officer or employee ~~in a~~ for positions in the competitive civil service in the same manner as ~~an employee who is transferred~~ if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for at least one year continuously immediately preceding separation or termination.

(i) The Agency shall have no police, subpoena, or law enforcement powers; nor perform any internal security or criminal investigation functions, except to the extent expressly authorized by this Act.

PROCUREMENT AUTHORITY

Sec. 422. (a) The Agency is authorized to procure, use,
and dispose of such property, supplies, services, equipment and
facilities as may be necessary to carry out its functions under
this Act. ~~Such property, supplies, services, equipment and~~
~~facilities may include purchase or rental and operation of~~
~~photographic reproduction, cryptographic, duplication and~~
~~printing machines, equipment, and devices, and radio receiving~~
~~and radio sending equipment and devices, including telegraph and~~
~~teletype equipment, rental of news reporting services, purchase,~~
~~maintenance, operation, repair, and hire of passenger motor~~
~~vehicles, aircraft, and vessels of all kinds, printing and~~
~~binding services, the purchase, maintenance, and cleaning of~~
~~firearms, including purchase, storage, and maintenance of~~
~~ammunition, association and library services and dues required by~~
~~any such association, supplies, equipment and personnel and~~
~~contract services otherwise authorized by law or regulation,~~
~~whether applicable to this Agency or not, when the Director~~
~~determines that such supplies, equipment or services are~~
~~essential to the performance of the Agency's functions.~~

(b) The provisions of chapter 137, relating to the
procurement of property and services, and chapter 139, relating
to the procurement of research and development services, of title
10, United States Code, shall apply to the procurement of
property and research and development services by the Agency
under this title in the same manner and to the same extent such
chapters apply to the procurement of property, services, and
research and development services by the agencies named in
section 2302(a) of chapter 137 of title 10, except that the
Director ~~is authorized to waive the application of~~ of the Agency
may specify by regulation when any or all of the provisions of
chapters 137 and 139 of title 10 ~~when the Director deems such~~
~~action or regulations issued thereunder may be waived because~~
such waiver is necessary to the successful performance of any
function of the Agency or to protect the security of activities

~~of the Agency. Any waiver exercised by the Director under this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate together with the reasons for exercising such waiver.~~

(c) The Agency is further authorized to procure, use, and dispose of property, goods, or services, on the Agency's own behalf or on behalf of any other entity of the Intelligence Community, in such a manner that the role of the Agency or such other entity is not apparent or publicly acknowledged, if public knowledge that the Agency or such other entity is the procurer of the property, goods, or services ~~will~~ would inhibit or interfere with the effective and secure conduct of an authorized intelligence function. ~~The procurement authority provided under this subsection may be exercised by the Agency only in accordance with section 139 of this Act but may be exercised notwithstanding any other provision of law and shall not otherwise be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites this subsection.~~

(d) In accordance with procedures promulgated by the Director of the Agency, the Agency is authorized to enter contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary by the Director of the Agency, or a designee, for the effective performance of its authorized functions.

(e) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property whenever the Director of the Agency deems such action necessary for the performance of authorized Agency functions.

(f) The authority provided under this section may be exercised only in accordance with subsection (b) and with section 139 of this Act but may be exercised notwithstanding any other provision of law and shall not otherwise be modified,

limited, suspended, or superseded by any provision of law enacted
after the effective date of this title unless such provision
expressly cites this subsection.

PROPRIETARIES

Sec. 423: (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the Intelligence Community. Any such proprietary may be operated on a commercial basis to the extent necessary to provide effective cover. Except as provided in subsection (b), funds generated by an Agency proprietary may be expended in the course of the activities of that proprietary subject to the provisions of 31 U.S.C. 484.

(b) Any funds generated by an Agency proprietary in excess of the amount necessary for its operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.

(c) The proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational requirements or purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury promptly and in no event later than one calendar year from the date of liquidation, sale, or other disposition, as the case may be.

(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the Comptroller General of the United States, including any intention to expend the proceeds of such liquidation, sale, or other disposition to establish new proprietaries under the authority of subsection (c);

(e) The authority contained in this section shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law and shall not be

modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites the specific provision of this section intended to be so modified, limited, suspended, or superseded.

(f) The Director of the Agency shall issue regulations to determine when individuals associated with proprietaries operated by the Agency shall be considered Federal employees for the purpose of benefits or entitlements established under this Act or under chapter 83 of title 5, United States Code.

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES

Sec. ~~423~~ 424. In addition to those activities of the Agency which relate to other departments and agencies and which are authorized in other provisions of this Act, the Agency is further authorized--

(1) to ~~seek~~ receive assistance from federal, state and local law enforcement agencies in the conduct of authorized background and security investigations of ~~applicants-for-employment-with-the-Agency, contractors-of the-Agency, and employees-of-contractors-of-the-Agency;~~

(2) to provide technical guidance, training, and equipment, and, under exigent circumstances, expert personnel to any other entity of the Intelligence Community engaged in lawful intelligence activities;

(3) to provide technical information to assist the Passport Office of the Department of State in carrying out its documentation responsibilities;

(4) when extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than such person's true identity, to notify the Immigration and Naturalization Service of those circumstances and request a waiver of otherwise applicable rules and procedures;

(5) when the Internal Revenue Service is auditing the tax returns of an Agency proprietary or of an individual operating under Agency cover, to notify the Internal Revenue Service of such proprietary's or individual's affiliation with the Agency ~~and request~~ in order that the audit be conducted so as to avoid public disclosure of that affiliation; and

(6) to maintain liaison relationships with other departments and agencies.

ADMISSION OF ESSENTIAL ALIENS

Sec. 424 425. Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of a particular aliens into the United States for permanent residence is in the interest of national security or essential to national intelligence activities, such aliens and ~~his~~ their immediate ~~family~~ families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

Sec. 425 426. (a) Notwithstanding any other provision of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency. No funds may be expended for activities which have not been authorized by legislation enacted during the same or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated or transferred to the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein. ~~but such expenditures shall be made only for activities authorized by law. The Director shall report on all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriations of the Senate and House of Representatives, to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate.~~

(c) (1) The Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to such Reserve Fund only moneys specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds withdrawn from the Reserve Fund. The Director of the Agency is authorized to expend funds from the Reserve Fund in any fiscal year for the payment of expenses incurred in connection with any national intelligence activity, counterintelligence activity, or counterterrorism activity conducted by the Agency if--

(A) the withdrawal of funds from the Reserve Fund ~~and the proposed expenditure have~~ has been previously approved by the Office of Management and Budget;

(B) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the ~~facts and circumstances regarding~~ purpose of such withdrawal ~~and proposed expenditure~~ at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the President may authorize the withdrawal of funds from the Reserve Fund without prior notification to the appropriate committees of the Congress if the President notifies such committees of the Congress within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(C) the money from the Reserve Fund is used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for such fiscal year, the purpose for which such money was is to be used requires protection from unauthorized disclosure, and the activities to be funded are authorized by law.

(2) Moneys from the Reserve Fund may be expended only for the ~~specific~~ purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended for the ~~specific~~ purpose for which approved shall be returned to the Reserve Fund.

(3) No money may be expended and no financial obligation incurred for the initiation or major expansion of any activity to be funded from the Reserve Fund unless such expenditure or financial obligation has been approved by the Director of the Agency and the Director of the Office of Management and Budget.

(4) Any activity funded from the Reserve Fund that continues after the end of the fiscal year in which it was funded by moneys from the Reserve Fund shall be funded thereafter through the regular budgetary process at the earliest practicable time.

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GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 426 427. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal adviser to the Director of National Intelligence and the Director of the Agency and shall have the responsibility and authority to--

(1) review ~~all~~ Agency activities of the Agency and advise the Director and activities of the Office of the Director of National Intelligence to determine whether such activities are in conformity with the Constitution and laws of the United States, executive orders, presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all ~~proposed~~ rules and regulations of the Agency and of the Office of the Director of National Intelligence, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that ~~any~~ such rules ~~or~~ and regulations ~~is~~ are in conformity with the Constitution and laws of the United States, executive orders, and presidential directives and memoranda;

(3) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the general counsel of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(4) perform such additional duties as the Director of National Intelligence or the Director of the Agency may prescribe.

(b) There shall be an Inspector General of the Agency appointed by the Director of the Agency. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency and of the Office of the Director of National Intelligence to

determine in what respects ~~the Agency~~ lawful functions may more effectively be performed ~~its lawful functions~~ and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director of National Intelligence, the Director of the Agency, and the General Counsel of the Agency of ~~his~~ findings regarding such activities;

(3) report any indications of possible violations of federal or state law to the General Counsel of the Agency;

~~(3)~~ (4) perform such other investigations as the Director of National Intelligence or the Director of the Agency deems necessary and appropriate consistent with the provisions of this Act;

~~(4)~~ (5) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the inspector general of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

~~(5)~~ (6) perform such other duties as the Director of National Intelligence and the Director of the Agency may prescribe.

PART D

CRIMINAL PENALTIES,
RESTRICTIONS

CRIMINAL PENALTIES (Additional changes expected)

Sec. 431. ~~(a)---Section 207 of title 18, United States Code, is amended by adding at the end thereof a new subsection as follows:~~

~~"(d)---Whoever, having been an officer or employee of the Central Intelligence Agency and within two years after his employment with such Agency has ceased, knowingly participates in the liquidation, sale, or other disposition of a proprietary of the Central Intelligence Agency, either on his own behalf or as an agent or attorney for anyone other than the United States without a written waiver from the Director of the Central Intelligence Agency under section 139(a) of the National Intelligence Act of 1978, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both. As used in this subsection, the term 'proprietary' shall have the same meaning as prescribed in section 403 of the Central Intelligence Agency Act of 1978."~~

~~(b) (a)~~ (1) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"S 716. Misuse of the name, initials, or seal of the
Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other publication or production in a manner ~~reasonably calculated~~ intended to convey the impression that such use is approved, endorsed, or authorized by

the Central Intelligence Agency shall be fined not more than \$20,000 or imprisoned not more than one year, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

(b) (1) Chapter 115 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"S 2392. Unauthorized disclosure of identity of secret agents

"(a) Any person who, having learned in the course of his official duties as an officer or employee of the United States the true identity of any officer or employee of the Central Intelligence Agency who is performing lawful functions for the Central Intelligence Agency under cover, knowingly communicates, furnishes, or otherwise discloses or makes available to any unauthorized person that identity in a manner which results in injury to or jeopardizes the safety of such officer or employee of the Central Intelligence Agency, or could reasonably have been expected to result in injury to or jeopardize the safety of such officer or employee of the Central Intelligence Agency, shall be fined not more than \$50,000 or imprisoned not more than five years, or both.

"(b) As used in subsection (a), the term 'cover' shall have the same meaning as prescribed in section 104 of the National Intelligence Act of 1978."

(2) The table of sections at the beginning of chapter 115 is amended by adding at the end thereof a new item as follows:

"2392. Unauthorized disclosure of identity of secret agents."

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2. How about Coze's replacement?
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RESTRICTIONS

~~Sec. 432. (a) The authorities, duties, and responsibilities established in this title are subject to the procedures, prohibitions, and restrictions contained in titles II and III and in sections 131 through 139 of this Act.~~

~~(b) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions except to the extent expressly authorized by this Act.~~

PART E

TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES
FOR CERTAIN AGENCY PERSONNEL

Sec. 441. (a) As used in this section //

~~(1)---The term "employee" means any person employed by the Agency, but~~ does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

~~(2)---The term "foreign area" means any geographic area outside the United States.~~

~~(3)---The term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone, but does not include Guam and other territories and possessions of the United States.~~

(b) Under such regulations as the Director of National Intelligence the Agency, in consultation with the Director of National Intelligence, may approve //

~~(1)---with respect to employees assigned to duty stations within the United States, the Agency may pay--~~

~~(A)---travel, transportation, and subsistence expenses comparable to those provided for in chapter 57 of title 5, United States Code, and~~

~~(B)---allowances in accordance with the provisions of chapter 59 of title 5, United States Code, and~~

~~(2)---with respect to employees assigned to duty stations in any foreign area, the Agency may, with respect to employees assigned to duty stations outside the United States, provide allowances in accordance with the provisions of chapter 59 of title 5, United States Code, allowances and~~

other benefits in the same manner and under the same circumstances such allowances and other benefits are provided employees of the Foreign Service under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1159), and death gratuities in the same manner and under the same circumstances such gratuities are provided employees of the Foreign Service under section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a).

(c) (1) Whenever any provision of law relating to travel and related expenses or death gratuities of employees of the Foreign Service is enacted after the date of enactment of this Act, is not enacted as an amendment to one of the provisions referred to in subsection (b)(2) of this section, and the President determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service and provisions of law relating to travel and related expenses and death gratuities of employees of the Agency, the President may, by executive order, extend in whole or in part to employees of the Agency the allowances and benefits applicable to employees of the Foreign Service by such provision of law.

(2) ~~Any such~~ An executive order issued pursuant to this subsection shall have the force and effect of law and may be given retroactive effect to a date not earlier than the effective date of the corresponding provisions of law relating to Foreign Service personnel. Any such order shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith --

(A) all provisions of law relating to travel, related expenses, and death gratuities of employees of the Agency enacted prior to the effective date of the provisions of such executive order, and

(B) any provision of any prior executive order issued under authority of this section.

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E (3) An executive order issued under the authority of this subsection may not become effective until the expiration of at least 60 days after the President submits the proposed order to those committees of the Senate and House of Representatives having jurisdiction over the subject matter of the order.

(d) ~~(1)~~ Notwithstanding the provisions of subsections (b) and (c), and under such regulations as the Director of ~~National Intelligence~~ the Agency, in consultation with the Director of National Intelligence, shall ~~approve~~ promulgate, the Agency may pay expenses, benefits, and allowances equivalent to those specifically authorized in subsections (b) and (c), in any case in which the Director of the Agency determines that, for reasons of operational necessity or security, the means of paying expenses, benefits, and allowances authorized in subsections (b) and (c), should not be utilized.

~~(2) --The Director shall annually inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any expenditures made under this subsection and the reasons therefor.~~

RETIREMENT SYSTEM

Sec. 442. Employees of the Agency shall participate in the regular Federal civil service retirement system pursuant to subchapter III of chapter 83 of title 5, United States Code. The Director may, however, continue to designate for participation in the Central Intelligence Agency Retirement and Disability System, authorized by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note), certain employees of the Agency whose duties are either (1) in support of Agency activities abroad and are hazardous to life or health, or (2) so specialized as to be clearly distinguishable from normal government employment; but the number of employees of the Agency which may retire on an annuity under such system in any period may not exceed the limits prescribed by law.

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PART F

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;
STATUTES REPEALED

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 451. (a) All positions established in and personnel employed by the Central Intelligence Agency as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun by or against any officer in his official capacity in the Central Intelligence Agency, as in effect prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

STATUTES REPEALED

Sec. 452. Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) are repealed.